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6 Attorneys for Plaintiff,  
ULTIMATE ARMWRESTLING LEAGUE  
7

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10  
11 ULTIMATE ARMWRESTLING LEAGUE,  
12 LLC, a California Corporation;

13 Plaintiff,

14 v.

15 WAL BRANDING AND MARKETING, LLC,  
an Illinois Corporation, d/b/a WORLD  
16 ARMWRESTLING LEAGUE aka WAL  
UNDERGROUND; and DOES 1-10, inclusive;

17 Defendants.  
18  
19

Case No.:

**COMPLAINT FOR  
COPYRIGHT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

20 Plaintiff ULTIMATE ARMWRESTLING LEAGUE, LLC ("UAL") avers as follows:

21 **PRELIMINARY STATEMENT**

- 22 1. Plaintiff brings this action seeking to obtain redress for Defendant's blatant and purposeful  
23 infringement of the copyright in Plaintiff's photographic work entitled "*Devon Larrett*  
24 *Double Bicep*."  
25 2. Founded April 1, 2010, Plaintiff corporation is a leading organizer and promoter of the  
26 sport of arm wrestling. Since 2010, their reputation and popularity have grown rapidly.  
27 Devon Larrett, an athlete formerly under contract with UAL, had at the time of the  
28

1 offending conduct, recently broken his contract with UAL in favor of a contract and  
2 possible partnership with UAL's direct competitor, Defendant WAL BRANDING AND  
3 MARKETING, LLC, d/b/a WORLD ARMWRESTLING LEAGUE aka WAL  
4 UNDERGROUND ("WAL").

- 5 3. Defendant corporation, recognizing the growing popularity of Mr. Larrett, created and  
6 publicized (or caused to be created and publicized) an altered version of the Plaintiff's  
7 Copyrighted "*Devon Larrett Double Bicep*" for use on Mr. Larrett's appearance on  
8 ESPN's original show SportsNation. A clip containing the altered image then appeared on  
9 WAL's Facebook page for purposes of publication, advertisement, and marketing.
- 10 4. Defendant's conduct caused harm to Plaintiff and, as such, Plaintiff must be compensated  
11 for Defendant's willful acts of infringement.

### 12 JURISDICTION AND VENUE

- 13 5. This is a civil action seeking damages for copyright infringement under the Copyright Act  
14 of the United States, 17 U.S.C. § 101, *et seq.*
- 15 6. This Court has subject matter jurisdiction over this copyright infringement action pursuant  
16 to 28 U.S.C. §§ 1331 and 1338(a).
- 17 7. This Court has personal jurisdiction over Defendant because, among other things,  
18 Defendant is doing business in the State of California and in this judicial district, the acts  
19 of infringement complained of herein occurred both on a national broadcast viewable in  
20 the State of California and placed on a public website viewable in the State of California,  
21 and Defendant has caused injury to Plaintiff and their intellectual property within the State  
22 of California and in this judicial district.
- 23 8. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c).

### 24 THE PARTIES

- 25 9. Plaintiff is an organizer and promoter of the sport of arm wrestling. Plaintiff is the author  
26 of the photograph entitled "*Devon Larrett Double Bicep*" and a legal and/or beneficial  
27 owner of a copyright interest in and to that photograph. Plaintiff is a limited liability  
28

1 company organized and existing under the laws of the State of California, with its  
2 principal place of business in Fountain Valley, California.

3 10. Defendant is also an organizer and promoter of the sport of arm wrestling. Defendant is a  
4 limited liability company organized and existing under the laws of the State of Illinois,  
5 with its principal place of business in Chicago, Illinois.

6 11. The true names and capacities, whether individual, corporate, associate, or otherwise, of  
7 Defendants sued herein as Does 1 through 10, are unknown to Plaintiff, who therefore  
8 sues Defendants by such fictitious names (the "Doe Defendants"). Plaintiff will seek leave  
9 of Court to amend this Complaint to state their true names and capacities when they have  
10 been ascertained. Plaintiff is informed and believes and on that basis avers that the Does  
11 Defendants are liable to Plaintiff as a result of their participation in all or some of the acts  
12 hereinafter set forth. WAL and the Doe Defendants are referred to collectively herein as  
13 "Defendants."

14 12. Plaintiff is informed and believes and on that basis avers that at all times mentioned in this  
15 Complaint, each of the Defendants was the agent and/or alter ego of each of the other  
16 Defendants and, in doing the things alleged in this Complaint, was acting within the  
17 course and scope of such agency.

18 **GENERAL AVERMENTS**

19 13. Plaintiff is the author of the photograph "*Devon Larrett Double Bicep*." Plaintiff owns the  
20 rights and title to the copyright in the photograph "*Devon Larrett Double Bicep*" (the  
21 "Infringed Work").

22 14. Plaintiff filed an application for copyright registration with the United States Copyright  
23 Office for the photograph "*Devon Larrett Double Bicep*" on February 1, 2016, and  
24 received a Certificate of Registration on February 23, 2016, (Registration Number: VA 1-  
25 988-410) with an effective date of Registration of February 1, 2016. A true and correct  
26 copy of Plaintiff's application for copyright registration, Certificate of Registration, and  
27  
28

1 the photograph in questions “*Devon Larrett Double Bicep*” are annexed hereto as *Exhibit*  
2 *A*.

3 15. “*Devon Larrett Double Bicep*” is a work made for hire, shot by photographer Pete Henze  
4 while both he and Mr. Larrett were under contract with UAL. Mr. Larrett was flown in  
5 specifically for the photo shoot at UAL’s expense.

6 16. “*Devon Larrett Double Bicep*” was first published on UAL’s Facebook page as a  
7 promotional photograph on August 27, 2013 and was later published on UAL’s office  
8 website www.TheUAL.com. A true and correct copy of a screenshot of UAL’s Facebook  
9 page indicating and evidencing the original publication date of “*Devon Larrett Double*  
10 *Bicep*” is annexed hereto as *Exhibit B*.

11 17. On October 7, 2015, an altered-though-substantially-similar version of “*Devon Larrett*  
12 *Double Bicep*” was broadcast on ESPN’s original show SportsNation. A true and correct  
13 copy of a screenshot of that television broadcast indicating and evidencing ESPN’s  
14 broadcast of an altered version of “*Devon Larrett Double Bicep*” is annexed hereto as  
15 *Exhibit C*.

16 18. On October 29, 2015, it came to Plaintiff’s attention that on October 9, 2016, Defendant  
17 and/or their agents reproduced, distributed, and/or published (and/or caused to be  
18 reproduced, distributed, and/or published) an altered-though-substantially-similar version  
19 of “*Devon Larrett Double Bicep*” via a clip of ESPN’s original show SportsNation  
20 containing the altered version of “*Devon Larrett Double Bicep*” by posting said clip onto a  
21 Facebook page managed by Defendant WAL (“Infringing Post”). A true and correct copy  
22 of a screenshot of WAL’s Facebook page indicating and evidencing the publication date  
23 of said clip is annexed hereto as *Exhibit D*.

24 19. Defendant did not have any license, authorization, permission, or consent to use the  
25 Infringed Work.

26 20. In fact, on November 11, 2015, Plaintiff provided written notice to Defendant WAL that  
27 the Infringing Post constitutes infringement of Plaintiff’s rights and demanded that  
28

1 Defendant immediately cease and desist from any further use of the Infringed Work.  
2 Plaintiff is entitled redress for Defendant's willful, intentional and purposeful use and  
3 exploitation of the Infringed Work for their own financial benefit with full knowledge that  
4 such use constituted infringement of, and was in disregard of, Plaintiff's rights.

5 **COUNT I**

6 **COPYRIGHT INFRINGEMENT**

7 **(17 U.S.C. §§ 106 and 501)**

8 (By Plaintiff Against Defendants)

- 9 21. Plaintiff incorporates herein by this reference each and every averment contained in  
10 paragraphs 1 through 20, inclusive.
- 11 22. Through their conduct averred herein, Defendants have infringed Plaintiff's copyright in  
12 the Infringed Work in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C.  
13 §§ 106 and 501.
- 14 23. Defendant's acts of infringement are willful, intentional, and purposeful, in disregard of  
15 and with indifference to Plaintiff's rights.
- 16 24. As a direct and proximate result of said infringement by Defendants, Plaintiff is entitled to  
17 damages in an amount to be proven at trial.
- 18 25. Plaintiff is also entitled to Defendant's profits attributable to the infringement, pursuant to  
19 17 U.S.C. § 504(b) and (c), including an accounting of and a constructive trust with  
20 respect to such profits.
- 21 26. Plaintiff further is entitled to their attorney's fees and full costs pursuant to 17 U.S.C. §  
22 505 and otherwise according to law.

23  
24 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, jointly and  
25 severally, as follows:

- 26 1. For damages in such amount as may be found, or as otherwise permitted by law.
- 27 2. For an accounting of, and the imposition of constructive trust with respect to, Defendants'  
28 profits attributable to their infringements of Plaintiff's copyright in the Infringed Work.

3. For prejudgment interest according to law.
4. For Plaintiff's attorneys' fees, costs, and disbursements in this action.
5. For such other and further relief as the Court may deem just and proper.

DANIEL L. HITZKE  
ALEXANDER C. EISNER  
HITZKE & ASSOCIATES, INC.

By: 


Daniel L. Hitzke  
Alexander C. Eisner  
Attorneys for Plaintiff

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury.

Date: April 6, 2016

DANIEL L. HITZKE  
ALEXANDER C. EISNER  
HITZKE & ASSOCIATES, INC.

By:   
Daniel L. Hitzke  
Alexander C. Eisner  
Attorneys for Plaintiff

# **EXHIBIT A**



# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Maria A. Pallante*

United States Register of Copyrights and Director

**Registration Number**

**VA 1-988-410**

**Effective Date of Registration:**

February 01, 2016

## Title

**Title of Work:** Devon Larratt Double Bicep

## Completion/Publication

**Year of Completion:** 2013  
**Date of 1st Publication:** August 27, 2013  
**Nation of 1st Publication:** United States

## Author

• **Author:** The Ultimate Armwrestling League  
**Author Created:** photograph  
**Work made for hire:** Yes  
**Citizen of:** United States  
**Domiciled in:** United States

## Copyright Claimant

**Copyright Claimant:** The Ultimate Armwrestling League  
8900 Warner Ave., Fountain Valley, CA, 92708, United States

## Rights and Permissions

**Organization Name:** The Ultimate Armwrestling League LLC  
**Address:** 8900 Warner Ave  
Fountain Valley, CA 92708 United States

## Certification

**Name:** Alexander C. Eisner, Esq.  
**Date:** February 01, 2016



## **EXHIBIT B**

VISITOR POSTS



**Arm Wrestling Apparel**  
March 26 at 10:48am

<https://teespring.com/new-arm-wrestling?ismac=marketplace&ismic=home> See More

Like Comment



**Christopher Studstill**  
March 10 at 7:39pm

Has WAL put you guys out? Haven't seen anything lately about a big tournament.

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**Kevin Reynolds**  
February 24 at 4:42pm

Coming near ARKANSAS soon?

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**Michael "MONSTER" Todman** Like



**Michele Grayson-North** Like



**Jason "The Immortal" Darnell** Like

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**Ultimate Armwrestling League** with Devon Larratt  
Like · Reply · 1 August 31, 2013 at 1:50pm

1 Reply

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**Ultimate Armwrestling League** with Devon Larratt  
August 27, 2013

Devon Larratt - UAL IV



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Top Comments

29 shares



Write a comment...



**Ultimate Armwrestling League @ALEXEISNER**  
Unlike · Reply · 1 October 9, 2015 at 10:29am



Write a reply...



**Michael Nance** woulda coulda shoulda, get over it people  
Like · Reply · 8 August 27, 2013 at 2:38pm

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**Ultimate Armwrestling League** with Eduardo Tietê

# **EXHIBIT C**







## **EXHIBIT D**



**Fred Dedrick**

November 10 at 9:55am · 🌐

📺 Rob Prox overall Left and Right hand winner at Illinois WAL State Championship

Like Comment

👍 12 🗨️ 1 📌 ▼

**Arm Fighter Foto**

November 9 at 11:24am · 🌐

📺 #WALSTRONG WAL Illinois

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**Arm Fighter Foto**

November 9 at 11:23am · 🌐

📺 #WALSTRONG WAL Illinois

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**NYC Arms Control**

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**World Armwrestling League**

October 9 · 🌐

Marcellus Wiley vs. Devon. You'll want to see what happens. SportsNation #WALonESPN #WALstrong



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Douglas Goodman Good representation by Devon 😊

Like Reply · October 10 at 12:15pm



Robert Redway Wiley talking out his ass as usual

Like Reply · October 9 at 2:08pm

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**World Armwrestling League**

October 8 · Edited · 🌐

Here's more matches from one of the biggest events in arm wrestling.

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**Fred Dedrick**  
November 10 at 9:55am

Rob Prox overall Left and Right hand winner at Illinois WAL State Championship

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12 1



**Arm Fighter Foto**  
November 9 at 11:24am

#WALSTRONG WAL Illinois

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**World Amwrestling League**

October 9

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Top Comments

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**Douglas Goodman** Good representation by Devon

Like Reply October 10 at 12:15pm



**Robert Redway** Wiley talking out his ass as usual

Like Reply October 9 at 2:06pm

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